

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

ALAN J. and REGINA C. DIOLATA,
Debtors.

)
) Bankr. No. 10-12650
) Chapter 13
)

ALAN J. and REGINA C. DIOLATA,
Plaintiffs,

)
) Adv. No. A10-01484
)

v.

SALLIE MAE, INC., et al.,
Defendants.

)
)
) UNITED STATES DEPARTMENT
) OF EDUCATION'S ANSWER
)

The United States Department of Education ("Defendant"), by and through its attorneys, Jenny A. Durkan, United States Attorney for the Western District of Washington, and Robert P. Brouillard, Assistant United States Attorney, hereby answers the Complaint to Determine Dischargeability of Educational Loan Debts ("Complaint") as follows:

I. JURISDICTION AND VENUE

1.1 - 1.4. The allegations in paragraphs 1.1 - 1.4 of the Complaint consist of conclusions of law that require no response. To the extent a response is deemed required, Defendant denies same.

1 **II. PARTIES**

2 2.1 - 2.8. Defendant denies for lack of knowledge or information sufficient to form a
3 belief as to the truth thereof the allegations in paragraphs 2.1 - 2.8 of the Complaint.

4 2.9. Defendant admits the allegations in paragraph 2.9 of the Complaint.

5 2.10 - 2.13. Defendant denies for lack of knowledge or information sufficient to form a
6 belief as to the truth thereof the allegations in paragraphs 2.10 - 2.13 of the Complaint.

7 **III. APPLICABLE LAW**

8 3.1. The allegations in paragraph 3.1 of the Complaint consist of conclusions of law that
9 require no response. To the extent a response is deemed required, Defendant denies same.

10 **IV. FACTS**

11 4.1 - 4.12. Defendant denies for lack of knowledge or information sufficient to form a
12 belief as to the truth thereof the allegations in paragraphs 4.1 - 4.12 of the Complaint.

13 4.13. Defendant admits the allegations in paragraph 4.13 of the Complaint.

14 4.14 - 4.15. Defendant denies for lack of knowledge or information sufficient to form a
15 belief as to the truth thereof the allegations in paragraphs 4.14 and 4.15 of the Complaint.

16 **V. COUNT 1: DISCHARGEABILITY OF DEBT UNDER § 523(a)(8)(A)**

17 5.1 - 5.5. The allegations in paragraphs 5.1 - 5.5 of the Complaint consist of conclusions
18 of law that require no response. To the extent a response is deemed required, Defendant denies
19 same.

20 To the extent Plaintiffs' prayer for relief requires an answer, Defendant denies that
21 Plaintiff's are entitled to any of the relief they seek.

22 All allegations contained in the Complaint not specifically admitted above are hereby
23 denied.

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1 WHEREFORE, the United States Department of Education prays for relief as follows:

- 2 1. Dismissing the Complaint with prejudice.
3 2. Awarding the United States its reasonable attorneys' fees and costs.
4 3. Such other and further relief as the Court may deem just and proper.

5 DATED this 12th day of October, 2010.

6 Respectfully submitted,

7 JENNY A. DURKAN
8 United States Attorney

9 /s/ Robert P. Brouillard
10 ROBERT P. BROUILLARD, WSBA #19786
11 Assistant United States Attorney
12 United States Attorney's Office
13 700 Stewart Street, Suite 5220
14 Seattle, Washington 98101
15 Phone: (206) 553-7970
16 Fax: (206) 553-4067
17 E-mail: robert.brouillard@usdoj.gov
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers;

It is further certified that on October 12, 2010, I electronically filed the *United States Department of Education's Answer* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

Stephen A. Bernheim steve@stevebernheim.com; sherri@stevebernheim.com

Christina Latta Henry chenry@seattledbtlaw.com;
tshim@seattledbtlaw.com; ign@seattledbtlaw.com;
awong@seattledbtlaw.com;
cnightingale@seattledbtlaw.com

Daniel J. Bugbee dbugbee@karrtuttle.com; nrall@karrtuttle.com;
jsmith@karrtuttle.com

Michaelanne Ehrenberg mehrenberg@karrtuttle.com; mmunhall@karrtuttle.com;
rmoreau@karrtuttle.com

Christine Ford ECF@cfordlaw.com; christine@cfordlaw.com

DATED this 12th day of October, 2010.

s/Dung Phan
DUNG PHAN, Legal Assistant
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-7970
FAX: 206-553-4073
E-mail: dung.t.phan@usdoj.gov